

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 HA-05 L-03 CIAE-00 INR-10 NSAE-00
INRE-00 SS-15 SSO-00 NSCE-00 SP-02 EB-08 COME-00
TRSE-00 CTME-00 OIC-02 OC-06 CCO-00 /066 W
-----021263 051420Z /50
O 051407Z JUL 78
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 1654
USMISSION USUN NEW YORK

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E.O. 11652: N/A
TAGS: SHUM
SUBJECT: CONVENTION AGAINST TORTURE - BAN ON DISTRIBUTION
OF TORTURE INSTRUMENTS

1. AFTER READING A LETTER (DATED MAY 8) TO THE EDITOR OF
THE NEW YORK TIMES IN WHICH THE AUTHOR EXPRESSED CONCERN
ABOUT U.S. EXPORTATION OF TORTURE DEVICES, AMBASSADOR
VANDEN HEUVEL SUGGESTED TO NIAL MACDERMOT (INTERNATIONAL
COMMISSION OF JURISTS) THAT A BAN AGAINST SUCH INSTRUMENTS
BE INCLUDED IN THE CONVENTION AGAINST TORTURE.

2. FOLLOWING ARE MACDERMOT'S COMMENTS TO THE AMBASSADOR'S
SUGGESTION ACCOMPANIED BY MACDERMOT'S DRAFT ARTICLE ON
BANNING TORTURE DEVICES:

QUOTE: THERE ARE DIFFICULTIES OF DRAFTING AND DEFINITION,
WHICH NO DOUBT YOUR LEGAL EXPERTS COULD FIND ANSWERS TO.
HERE IS A FIRST ATTEMPT:

AMEND ARTICLE 7 OF THE SWEDISH DRAFT BY:

(A) ADDING A NEW PARAGRAPH 2 AS FOLLOWS:

(2) EACH STATE PARTY UNDERTAKES TO ENSURE THAT THE
MANUFACTURE, EXPORT OR OTHER DISTRIBUTION OF INSTRUMENTS
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OF TORTURE ARE OFFENSES UNDER ITS CRIMINAL LAW. AN INSTRU-
MENT OF TORTURE IS ONE WHICH IS SPECIFICALLY DESIGNED TO BE
USED FOR PURPOSES OF TORTURE, OR ONE WHICH IS CAPABLE OF
BEING SO USED AND IS MANUFACTURED, EXPORTED OR OTHERWISE
DISTRIBUTED WITH THE INTENT OR WITH THE KNOWLEDGE THAT IT
WILL BE USED FOR SUCH A PURPOSE.

(B) RENUMBERING EXISTING PARAGRAPH 2 AS PARAGRAPH 3 AND

DELETING THE WORDS "PARAGRAPH 1 OF" IN LINE TWO. END
QUOTE.

3. GENEVA IS FORWARDING VANDEN HEUVEL/MACDERMOT CORRESPON-
DENCE ON THIS ISSUE TO IO/HR HEWITT UNDER REGISTRY NUMBER
3008055.

4. MISSION WOULD APPRECIATE DEPARTMENT'S REACTION TO THE
ADDITION OF AN ARTICLE TO THE CONVENTION BANNING TORTURE
INSTRUMENTS.
VANDEN HEUVEL

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INSTRUMENTS, ATROCITIES
Control Number: n/a
Copy: SINGLE
Draft Date: 05 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA10135
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780275-1114
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780796/aaaadcsk.tel
Line Count: 72
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a214fc7a-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2118248
Secure: OPEN
Status: NATIVE
Subject: CONVENTION AGAINST TORTURE - BAN ON DISTRIBUTION OF TORTURE INSTRUMENTS
TAGS: SHUM
To: STATE USUN NEW YORK
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/a214fc7a-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014